

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LEONARDO J. MOJICA CARRION,

Plaintiff,

v.

JOHN E. WETZEL, *et al.*,

Defendants.

No. 4:22-CV-00051

(Chief Judge Brann)

ORDER

AND NOW, this 13th day of July 2023, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 44) for summary judgment pursuant to Federal Rule of Civil Procedure 56 is **GRANTED** in part and **DENIED** in part, as follows:
 - a. Defendants' motion is **GRANTED** as to Mojica Carrion's First and Fourteenth Amendment access-to-courts claim.
 - b. Defendants' motion is **DENIED** in all other respects.
2. Entry of judgment in accordance with paragraph one above shall be deferred pending resolution of Mojica Carrion's remaining Fourteenth Amendment procedural due process claim.
3. Mojica Carrion's First Amendment free-speech claim is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

4. Mojica Carrion's official capacity claims for monetary damages against Defendants are **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(iii) because they are barred by Eleventh Amendment sovereign immunity.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge